

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MICROSOFT CORPORATION,	:	
	:	
Plaintiff,	:	Case No. 23 Civ. 10685 (PAE)
-against-	:	
	:	
DUONG DINH TU,	:	
LINH VAN NGUYEN, and	:	
TAI VAN NGUYEN,	:	<u>REQUEST TO FILE UNDER SEAL</u>
	:	
Defendants.	:	
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**MICROSOFT’S MOTION FOR AN *EX PARTE* SUPPLEMENTAL
PRELIMINARY INJUNCTION ORDER**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiff Microsoft Corporation (“Microsoft”) files this motion for an *ex parte* supplemental preliminary injunction order (the “Motion”). Plaintiff seeks to enjoin Defendants from their ongoing (1) violations of the Lanham Act (15 U.S.C. §§ 1114 *et seq.*, 1125(a), (c)), (2) violations of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1962), (3) tortious interference with Microsoft’s business relationships with its customers, (4) conversion of Microsoft’s property, (5) trespass to Microsoft’s chattels, and (6) unjust enrichment at Microsoft’s expense.

As set forth in Plaintiff’s Memorandum of Law, as well as the Declaration of Jason Lyons in support of the Motion, evidence shows that Defendants are continuing to market and sell tools for fraudulently obtaining Microsoft accounts and other criminal services (Defendants’ “Fraudulent Enterprise”) in a manner comparable to that described in Plaintiff’s Motion for an *Ex Parte* Temporary Restraining Order and Order to Show Cause (ECF No. 12), now through a new Internet domain known as “rockcaptcha.com” (the “RockCAPTCHA Website”).

Accordingly, Plaintiff requests an order directing the RockCAPTCHA Website's (1) registry operator to change the registrar of record for the domain to Plaintiff's registrar of choice, which will then change the registrant of the domain to Plaintiff, and to take reasonable steps to work with Plaintiff to ensure the transfer of the domain; and (2) hosting service provider to disable all services provided thereto. It is imperative that this action be effectuated on an *ex parte* basis, shielded from anyone associated with the Fraudulent Enterprise, until it is complete. If Defendants are alerted to these efforts prior to completion, there is substantial risk they will relocate the infrastructure to an alternative domain or domains, thwarting this attempt to stop the Fraudulent Enterprise.

Microsoft respectfully requests that this Court grant its Motion.

Dated: July 23, 2024
New York, New York

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